

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

OLGA REAL

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-4798

Decision No. CU

414

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for an unspecified amount, was presented by OLGA REAL, based upon asserted loss sustained in connection with stock ownership in the corporations Compania Litografica de la Habana, S.A. (Havana Lithographic Company) and the Cuban Telephone Company. Claimant, OLGA REAL, states that she has been a national of the United States since her naturalization on November 18, 1966.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States, or (B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity. The term does not include aliens."

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

Evidence available to this Commission shows that the Compania Litografica de la Habana, S.A. was nationalized on October 14, 1960, under Cuban Law No. 890, dated October 13, 1960.

Inasmuch as the loss complained of in connection with the Compania Litografica de la Habana, S.A. occurred on October 14, 1960, a date when claimant was not a national of the United States, the Commission concludes that the portion of the claim which is based upon a stockholder interest in the Compania Litografica de la Habana, S.A. is not valid under Title V of the Act.

The remaining portion of the claim is based upon a stockholder interest in the Cuban Telephone Company.

Documentation submitted to the Department of State by the International Telephone and Telegraph Corporation reflects that the Cuban Telephone Company was incorporated under the laws of the State of Delaware and that over 50% of the capital stock of said company is owned by United States citizens, which would qualify it as a United States national within the purview of Section 502(1)(B) of the Act.

Section 505(a) of the Act provides that

A claim under section 503(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered. . . .

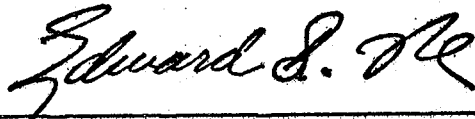
The Commission concludes that since this portion of the claim is based on a stock interest in a corporation, the Cuban Telephone Company, which qualifies as a United States national, the Commission is precluded, under Section 505(a) of the Act, from considering this portion of the claim.

In view of the foregoing, the claim is denied in its entirety.

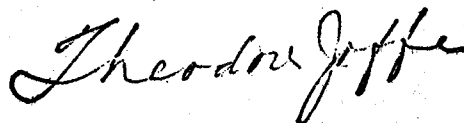
The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

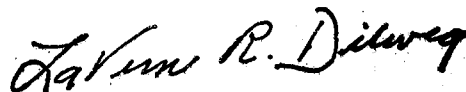
OCT 4 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

CU- 4798